

**SENATE—Wednesday, March 3, 1999**

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

**PRAYER**

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord of all life, thank You for the gift of time. You have given us the hours of this day to work for Your glory by serving our Nation. Remind us that there is enough time in any one day to do what You want us to accomplish. Release us from that rushed feeling when we overload Your agenda for us with added things which You may not have intended for us to cram into today. Help us to live on Your timing. Grant us serenity when we feel irritated by trifling annoyances, by temporary frustration, by little things to which we must give our time and attention. May we do what the moment demands with a glad heart. Give us the courage to carve out time for quiet thought and creative planning to focus our attention on the big things we must debate and eventually decide with a decisive vote. Help us to be silent, wait on You, and receive Your guidance. May the people we serve and those with whom we work sense that, in the midst of the pressures of political life, we have had our minds replenished by listening to You. Through our Lord and Savior. Amen.

**RECOGNITION OF THE ACTING MAJORITY LEADER**

The PRESIDENT pro tempore. The able acting majority leader is recognized.

**SCHEDULE**

Mr. JEFFORDS. This morning the Senate will resume consideration of the motion to proceed to S. 280, the Education Flexibility Partnership Act. There are 4 hours remaining for debate on the motion to proceed, with Senator WELLSTONE to control 3 hours 30 minutes and Senator JEFFORDS or his designee in control of the remaining 30 minutes.

Under a previous order, at the conclusion or yielding back of debate time, the Senate will proceed to vote on the motion to proceed. If the motion is adopted, the Senate will begin consideration of the bill itself, with amendments being offered and debated during today's session. Therefore, Members should expect votes throughout Wednesday's session.

I thank my colleagues for their attention.

Mr. President, I make a point of order that a quorum is not present.

Mrs. LINCOLN. I ask my colleague if he will withhold his request.

Mr. JEFFORDS. Certainly.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to speak as if in morning business, and I would like to charge that time to my colleague, Mr. WELLSTONE.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. LINCOLN. I thank the Chair.

**PROMOTION OF COMMANDER MICKEY ROSS**

Mrs. LINCOLN. Mr. President, I am honored this morning to recognize Commander Mickey Vernon Ross, a great American from Arkansas who later today will be promoted to the rank of Captain in the United States Navy. With his promotion to Captain, Commander Ross not only earns the respect and admiration of his country, he also earns a place in Arkansas history, becoming the first African-American from our state to attain that high rank.

Commander Ross is a native of North Little Rock and comes from a proud family with a long record of military service, following his father and three older brothers into the Armed Services. His father is no longer with us, but his mother, Minnie P. Ross, has traveled from Arkansas to be at the ceremony formally recognizing her son's promotion today. As you might imagine, she is overjoyed knowing how hard her son has worked to accomplish this feat. His wife, Mary Ann Ross, of Elaine, Arkansas, which is my home area, and their two children, Timothy, age 14, and Benjamin, age 6, will also be on hand to celebrate this momentous occasion.

From an early age, Commander Ross has exhibited excellence in all aspects of his life—academically, professionally and personally. More than that, in a world short on heroes and role models to guide our children, Commander Ross is a shining example of the brilliant promise every life holds. Hard work and an eager spirit still equal success in America—no matter how difficult the challenges may be. It is my privilege—indeed, my duty as a voice for my state—to hold him up as an example for others to see.

After graduating from North Little Rock High School in 1973, Commander Ross attended the United States Naval Academy in Annapolis, Maryland, where he was commissioned an Ensign and graduated in 1977 with a degree in

Physical Science. In 1983, Commander Ross received a Master of Science in Electrical Engineering from the Naval Postgraduate School in Monterey, California. Currently, Commander Ross is pursuing a doctoral degree in Engineering Management at George Washington University.

As an officer in the Navy, Commander Ross has served his country with distinction. His first tour of duty was onboard the U.S.S. *Ranger* CV 61 where he helped the command receive top honors, the No. 1 Recruiting District in the Nation. Later, on the U.S.S. *Acadia* as the Repair Officer, his department received the highest award for fleet maintenance support and the ship received the Navy "E" award from Commander Naval Surface Forces, Pacific. And I couldn't help but notice that in between his many assignments, Commander Ross found time to return to Arkansas to recruit Naval Officers at colleges and universities in our state. Today, Commander Ross is Director for Combat Systems for the Program Executive Officer for Aircraft Carriers at the Naval Sea Systems Command in Arlington, Virginia.

But Commander Ross' record as a student and a Naval Officer aren't the only things for which I want to commend him this morning. Commander Ross is also a devoted husband and a wonderful father. His wife, Mary Anne, and their children must be very proud of him today.

My father fought in Korea and my grandfather fought in World War I and they taught me at an early age to have the highest respect for the men and women in uniform who defend our nation. On behalf of the state of Arkansas and the United States Senate, I thank you, Commander Ross, for your service to our country. I hope the honor you bestow on your family, our state and our nation today inspires others to follow your example. I, for one, will be following your career with great interest and I suspect this will not be my last opportunity to recognize an outstanding achievement in your life.

I thank you, Mr. President.

**MEASURE PLACED ON THE CALENDAR—H.R. 350**

Mr. JEFFORDS. Mr. President, a bill is at the desk due for its second reading. I ask it be read.

The PRESIDING OFFICER. The clerk will read.

The bill clerk read as follows:

A bill (H.R. 350) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

Mr. JEFFORDS. Mr. President, I object to further consideration of this measure at this time.

The PRESIDING OFFICER. The measure will be placed on the calendar.

#### MEASURE PLACED ON THE CALENDAR—S. 508

Mr. JEFFORDS. Mr. President, another bill is at the desk due for its second reading. I ask it be read.

The PRESIDING OFFICER. The clerk will read.

The bill clerk read as follows:

A bill (S. 508) to prohibit implementation of "Know Your Customer" regulations by the Federal banking agencies.

Mr. JEFFORDS. Mr. President, I object to further consideration of this measure at this time.

The PRESIDING OFFICER. The measure will be placed on the calendar.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. VOINOVICH). Under the previous order, leadership time is reserved.

#### EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 280, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to the consideration of S. 280, a bill to provide for education flexibility partnerships.

The Senate resumed consideration of the motion to proceed.

The PRESIDING OFFICER. Under the previous order, there will be 3 hours 30 minutes under the control of the Senator from Minnesota, Mr. WELLSTONE, and 30 minutes under the control of the Senator from Vermont, Mr. JEFFORDS, or his designee.

Mr. JEFFORDS. Mr. President, I make a point of order a quorum is not present.

Mr. President, I ask unanimous consent that that time be charged to Senator WELLSTONE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Ben Highton and Elizabeth Kuoppala be allowed to be on the floor during the duration of the debate on Ed-Flex.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, let me, first of all, explain to my colleagues and for those in the country who are going to now be focusing on this bill, the Ed-Flex bill, why I started out yesterday speaking in opposition to this motion to proceed and why I will be taking several hours today to express my opposition to this piece of legislation. There are a number of different things I am going to cover, but at the very beginning I would like to spell out what I think is the fundamental flaw to this legislation, the Ed-Flex bill. Frankly, I think my colleagues, Democrats and Republicans, would have had an opportunity to carefully examine this legislation if we had a hearing, I mean a thorough hearing, or if we had waited to really examine in some detail and some depth what has happened in the different Ed-Flex States.

The General Accounting Office gives us a report in which they say it looks like some good work has been done, but we don't really have a full and complete understanding of what has happened in these Ed-Flex States. I think what this piece of legislation, called Ed-Flex—and I grant it is a great title, and I grant it is a winning political argument to say let's give the flexibility to the States and let's get the Federal Government out of this—but what this piece of legislation is essentially saying is that we, as a national community, we as a National Government, we as a Federal Government representing the people in our country, no longer are going to maintain our commitment to poor children in America. That is what this is all about.

What this piece of legislation essentially says to States and to school districts is: Look, when it comes to the core requirements of title I, core requirements that have to do with qualified teachers, that have to do with high standards for students, that have to do with students meeting those standards and there being a measurement and some result and some evaluation, these standards no longer necessarily will apply. What this legislation says is, when it comes to what the title I mission has been all about, for poor children in America—that is to say that we want to make sure that the money, first and foremost, goes to the neediest schools—that standard no longer will necessarily apply.

As a matter of fact, in 1994, one of the things that we did in the Elementary/Secondary Education Act reauthorization was we sought to concentrate title I funds by requiring districts to spend title I on schools with over 75 percent poverty-stricken students first. That restriction has had the desired effect. Only 79 percent of schools with over 75 percent poverty received title I funds in 1994. Today, over 95 percent of those schools receive it.

So, Mr. President—and I want to make it clear that I will have an amendment—one of the amendments that I will have to this piece of legislation, if we proceed with this legislation, is an amendment that says that the funding has to first go to schools that have a 75 percent or more low-income student population.

I cannot believe my colleagues are going to vote against that. If they want to, let them. But if they do, they will have proved my point—that we are now about to pass a piece of legislation or a good many Republicans and, I am sorry to say, Democrats may pass a piece of legislation that will no longer provide the kind of guarantee that in the allocation of title I funds for poor children that the neediest schools will get served first. I cannot believe that we are about to do that. I cannot believe this rush to recklessness. I cannot believe the way people have just jammed this bill on to the floor of the Senate. I cannot believe that there isn't more opposition from Democrats.

Mr. President, the second amendment that I am going to have, which I think will really speak to whether or not people are serious about flexibility with accountability, is an amendment which essentially says, look, here are the core requirements of title I.

The reason we passed title I as a part of the Elementary/Secondary Education Act back in 1965—that was almost 35 years ago—the reason we passed title I was we understood, as a nation, whether or not my colleagues want to admit to this or not, that in too many States poor children and their families who were not the big givers, who were not the heavy hitters, who do not make the big contributions were falling between the cracks.

So we said that, as a nation, we would make a commitment to making sure that there were certain core requirements that all States had to live up to to make sure that these children received some help. Thus, the core requirements of title I: Make sure they are qualified teachers; make sure low-income students are held to high standards; make sure there is a clear measurement of results.

Let me just read actually some of the provisions that would be tossed aside by Ed-Flex in its present form: the requirement that title I students be taught by a highly qualified professional staff; the requirement that States set high standards for all children; the requirement that States provide funding to lowest-income schools first; the requirement that States hold schools accountable for making substantial annual progress toward getting all students, particularly low-income and limited-English-proficient students, to meet high standards; the requirement that funded vocational programs provide broad education and work experience rather than narrow job training.